

REGULATIONS TO REPEAL

Agency	COMAR/Statute #	Title	Description	Recommended Action	Benefits of Reform
DHCD	05.13.01/Article HCD 6-301 through 6-311	Neighborhood Business Development Program	Statute and regulation require that applications seeking assistance must have a resolution from the political subdivision supporting the project, or a letter from the political subdivision's authorized designee supporting the project.	Eliminate requirement for local resolution. Replace with requirement for notification/request for comment from NBDP Program to the local government.	Applicants currently have to wait until the local government body is in session in order get on the docket and request that a resolution be passed or to get the letter from the designee. This can significantly slow the application process and needlessly increases the amount work required of applicants. Businesses already must receive approval from the local jurisdiction through the licensing and permitting process. No project has ever failed to be approved for a local resolution.
DHCD	05.17.01 and 05.17.02/Article HCD 6-201 through 6-213	Community Legacy	Statute and regulation require that applications seeking assistance contain a resolution of support from the local government(s) in whose jurisdiction project, plan or area is located.	Eliminate requirement for local resolution. Replace with requirement for local approval through delegation to local government executive agency head.	Applicants currently have to wait until the local government body is in session in order get on the docket and request that a resolution be passed. This can significantly slow the application process and needlessly increase the amount work required of applicants.
DHCD	05.14.01/HCD 6-401 through 6-406	Neighborhood and Community Assistance Program (Community Investment Tax Credit Program)	Statute and regulation require that organizations seeking tax credits for projects must receive approval by the local governing body or authorized designee prior to making application to the Program. Approval must come from each county, municipality, or political subdivision that benefits from the project.	Eliminate requirement for local resolution. Replace with requirement for local approval through delegation to local government executive agency head.	Applicants currently have to wait until the local government body is in session in order get on the docket and request that a resolution be passed. This significantly slows the application process and needlessly increases the amount work required of applicants.
MDE	Environment Article –Annotated Code § 5-506; COMAR 26.17.06	Construction - Dewatering	Under current law, all permit applications for dewatering at a construction project must include public notice, including public advertisement and a public informational hearing. Dewatering associated with construction projects typically has a short duration and often needs to begin on short notice. Dewatering allows for the temporary removal of ground or surface water from a construction site to allow construction to be done under dry conditions.	This proposal amends existing law by allowing the Department to waive the public notice requirements and the holding of a hearing when an application is filed for a water appropriation permit that is for dewatering at a construction project. The public notice and information hearing requirements can typically add several months to the permit processing time. Instead, the Department will notify contiguous property owners at the beginning of the process, which will provide an opportunity for stakeholders to comment on the permit.	This bill will have a positive economic impact on small businesses. This change would expedite the process for water appropriation permits for construction dewatering projects and replace the current public advertisement and public informational hearing requirements with contiguous property notification that occurs concurrent to the permit review process. This proposal is in conformance with Maryland Made Easy and will not result in negative impacts to the environment or public health.
MDE/ WMA	Repeals Environment Article §7-701 through 7-709 and COMAR 26.27.01.00 – 26.27.01.12	Controlled Hazardous Substance Driver Certification - Elimination	Maryland domiciled drivers of vehicles that are being used to transport hazardous waste must be certified by the Department. The Environment Article and corresponding regulations require drivers to obtain a certificate from the Department in order to transport controlled hazardous substances (CHS). To obtain a certificate, a driver is required to submit evidence of adequate training on requirements associated with transportation of hazardous waste, submit a copy of the operator’s driver’s license and driving record, and pay a \$20 fee. The certificate is valid for 1 year. In 1994, the U.S. Department of Transportation (DOT) ruled that Maryland’s CHS driver certification program for non-domiciled drivers (i.e., drivers who do not reside in MD) is preempted under federal hazardous materials transportation law. MDE has continued to require certification of Maryland-domiciled drivers, but has not been certifying non-domiciled drivers. In FY11, 128 Maryland-domiciled drivers were certified and a total of nearly 2,500 CHS vehicles were certified.	This proposal would eliminate the driver certification requirement for Maryland Domiciled Drivers.	128 entities that are currently certified as transporters of controlled hazardous substances would be affected positively by this change. The universe of certified transporters includes small businesses, large businesses, and government agencies. These transporters would no longer have to meet the Maryland specific certification and would not have to pay the annual \$20 fee. Total annual savings to all CHS drivers would be approximately \$2500.
MDE/WMA	COMAR 26.08.03.01A(1)	Clean Water Discharge Permits - Elimination	Amend existing requirement for discharge permits for discharge of waters determined to require no treatment to meet water quality criteria. (i.e.clean water). COMAR requires permit for flow greater than 10,000 gpd even if clean water.	Remove this requirement from COMAR.	Removal of unnecessary time and resources.

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MDE	Environment Article 12-402 & 12-501; COMAR 26.06.01	Board of Waterworks and Waste System Operators - No Superintendent	State law requires that small water and wastewater facility must be under the supervision of a superintendent. Small facilities are those that serve less than 500 people, have minimal treatment requirements, and employ two or fewer operators. The federal requirement is for all community and nontransient noncommunity water systems to have a certified operator. The Safe Drinking Water Act does not require that a water system employ a “superintendent”. MD’s program for superintendents is unique when compared to PA, DE, WV, and VA. Superintendents are certified operators who have been recognized by their employer as being in responsible charge. This is a burden to small water and wastewater works. Many small water and wastewater works employ a single operator, or they may only employ part-time operators. As a result, the operator is in responsible charge of the facility.	This proposal would eliminate the requirement to have a superintendent for small water and wastewater facilities and put Maryland in line with federal statutes while maintaining the superintendent classification for medium and large facilities. This would provide relief to very small water treatment systems that may already be struggling to find qualified personnel. This change is in line with the “Maryland Made Easy” initiative.	There are at least 600 very small water treatment systems that are required to employ a superintendent that may be eligible for the superintendent exception in this bill , and may be granted an exception for future Superintendent training and renewal requirements by the Board. Similarly, operators employed by small wastewater works may be granted an exception to the superintendent’s certification requirements. Small businesses could expect a slight decrease in their costs by reducing the need for a separate Superintendent License. Between \$10,000 and \$30,000 in salary costs will be saved annually per system affected.
DNR	COMAR 08.02.03.14	November Blue Crab Harvest	There were two closed days in November that were closed to commercial harvest. The closure only impacted male harvest and did not result in any measurable reduction in harvest. The regulation is no longer needed because of the implementation of more effective year-long regulations that limit blue crab harvest, including the closure of the female crab fishery on November 10.	Repeal the prohibition of commercial harvest of blue crabs on the 2nd and 3rd Thursdays in November.	This gives the commercial industry more flexibility in harvesting during the holiday season when they could benefit from an increased market.
DNR	COMAR 08.02.04.12	Power Dredge Permit	Currently, the Department requires oyster harvesters using a power dredge to obtain a free permit for the activity. This was necessary to determine the amount of power dredge effort. Recent regulation changes require all oyster harvesters to report activity to the Department by gear type. Therefore the Power Dredge permit as a tool to determine activity is no longer needed.	The Department proposes to remove the required permit from regulation.	Removing the permit would simplify the process for oyster harvesters to legally harvest oysters and remove an unnecessary, additional burden for these businesses.
DNR	27.01.02.03.D(4)	Intensely Developed Areas	If practicable, permeable areas shall be established in vegetation and, whenever possible, redevelopment shall reduce existing levels of pollution.	Repeal. Has been replaced by other regulations requiring stormwater pollutant reductions.	This regulation has been superseded and is no longer needed.
DNR	27.01.02.04.D(2)(a)&(b)	Limited Development Areas	Stormwater runoff management	Repeal as superseded.	This regulation has been superseded and is no longer needed.
DNR	27.01.02.06.B	Location and Extent of Future Intensely Developed and Limited Development Areas	A(1) and B have been superseded by statute.	Repeal as superseded.	Eliminates Redundancy
DNR	27.01.04.01	Shore Erosion Protection Works	Entire content of this chapter has been superseded by MDE regulations.	Repeal the chapter.	This regulation has been superseded and is no longer needed.
DNR	27.01.06.02 C(1)	Agriculture	Outdated cross-reference to COMAR 27.01.09.02.	Repeal references to COMAR 27.01.09.02 and replace with COMAR 26.23.01 and .04 respectively.	Removes outdated and confusing reference.
DNR	27.01.06.03 A(2)(c)(i)	Agriculture	Outdated language	Repeal A(2)(c)(i)	No longer needed.
DNR	27.01.06.03 A(3)	Agriculture	Outdated language	Repeal A(3)	No longer needed.
DNR	27.01.06.03 A(4)	Agriculture	Outdated language	Repeal A(4)	No longer needed.
DNR	27.01.06.03 A (5)	Agriculture	Outdated language	Repeal A(5)	No longer needed.
DNR	27.01.07.03 B	Surface Mining in the Critical Area	Outdated language	Repeal reference to the "Water Resources Administration of the Department of " and replace with "the Environment".	Removes this outdated and confusing reference.

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DNR	27.01.07.03 C (1)	Surface Mining in the Critical Area	Outdated language	Repeal the reference to "Article 66B, §3.05(a)(i)(v), Annotated Code of Maryland, as amended" and replace with "Land Use Article" once that legislation is passed.	Removes outdated and confusing reference.
DNR	27.01.10.01 B	Directives for Local Program Development	Outdated language	Repeal section B. Has been superseded by HB 1253 (2008) mapping regulations.	This has been superseded so repeal would remove outdated and confusing reference.
DNR	27.01.10.01 M	Directives for Local Program Development	This language was repealed from the Natural Resources Article, §8-1808 (c)(1)(xi) in 2008.	Repeal section M. Corresponding language was repealed from the statute text.	Removes outdated and confusing reference.
DNR	27.01.11.01B	Variances	Language superseded in statute.	Repeal, "... , and further , shall establish notification procedures to permit Commission review of findings made in granting of variances".	Removes outdated and confusing reference.
DNR	27.01.11.01C	Variances	Language superseded in statute.	Repeal section C and rewrite to conform to updated standing language in the statute.	Removes outdated and confusing reference.
DNR	27.01	Subtitle 01 Criteria for Local Critical Area Program Development	Update references to the "Critical Area" since the inclusion of the Coastal Bays.	Repeal text that includes just the reference to "Chesapeake Bay Critical Area" and leave just "Critical Area" or insert "...and Atlantic Coastal Bays" depending on the context of the sentence.	Removes outdated and confusing reference.
MHEC	13B.01.01.19	Solicitor’s Permits	Recruiters for out-of-state private career schools must annually obtain solicitor permits in order to enroll or accept application in Maryland for students to attend out-of-state private career schools. Application process includes MHEC staff reviewed/approved policies on refunds, complaints, and drug and alcohol abuse. \$25 fee.	Revocation of statute and accompanying regulations.	The statute and regulations are out of date. Its purpose was to monitor the physical presence in Maryland of out-of-state private career school recruiters. No other postsecondary segment is monitored in Maryland in this manner. For background, most of these institutions were not regionally or nationally accredited at the time of the statute’s enactment, and this was also prior to today’s advertising technologies using Internet, texting, and twitter. This was even before email was used heavily for advertising and recruitment. Monitoring only physical presence in Maryland is ineffective, and revoking these provisions would relieve an obstacle for out-of-state private career schools to recruit Maryland residents. In turn, this provides additional training options to Maryland residents.
GOC	14.31.08	Eligibility and Prioritization for Services for Interagency Funds.	Establishes the criteria for interagency funding for "Rehab Option" services; prioritizes the manner in which GOC awards such funds; establishes the process for obtaining funded services.	Repeal. This chapter relates to a funding source that no longer exists.	Repealing a chapter that is no longer applicable would streamline the rest of the Title and remove an outdated and confusing reference.
DHMH/OHCQ	COMAR 10.07.02.25	Nursing Homes	Current regulations require that the sites of new nursing facilities must be approved by the Department, and the regulations set forth a number of criteria that new facilities must meet, including noise control, maintenance of roads in passable conditions, and an analysis of projected new traffic patterns.	Eliminate - these regulations, and prior approval by the Department, are obsolete or unnecessary, in light of certificate of need requirements and local/state zoning laws.	Repeals an unnecessary burden for approval.
DLLR - Commissioner of Financial Regulation	COMAR 09.03.06.04B(2)(3)	Mortgage Lender - Records	Implemented in early 2008, this regulation requires state licensed mortgage loan servicers to submit monthly reports to the Office of the Commissioner of Financial Regulation. The report contains the number of mortgage loans serviced, the number of loans delinquent for 30, 60, and 90 days, and other information on loss mitigation activities. There is also a Borrowers Report containing certain information about adjustable rate mortgage loans that will adjust its pricing in the future and notes any foreclosure action taken.	Delete reporting requirements for mortgage servicers. Effective 1/1/12, we are suspending the reporting requirement for the calendar year pursuant to regulatory authority we already have.	Since this reporting requirement was implemented, legislative and regulatory changes have occurred rendering this reporting requirement obsolete. The Commissioner now obtains the information required in the report though the examination process, as well as using specific and targeted requests. In addition, most of this information is now collected and made publicly available at the federal level in a more detailed and complete form. Removing the requirement would eliminate an unnecessary burden on state licensed mortgage loan servicers.

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DLLR - Commissioner of	COMAR 09.03.03.01	Procedures for Handling Applications Scope	Implemented in 1975 and 1976, this regulation addresses the procedures for certain applications for depository institutions to obtain approval for new charters, mergers, and new branches and include processes for administrative hearings and publication of notices in the Maryland Register.	Deletion of portion of regulation requiring branch applications to follow the regulation's applications procedures.	The deletion of this portion is recommended as the law has changed since the regulation was enacted to make branching for depository institutions easier. As the revised statute requires a response to a bank's branch application within 30 days (and the Office of the Commissioner of Financial Regulation likes to respond in a more timely fashion); it is neither desirable nor practicable to require banks to follow the application process set out in the regulation (especially the publication requirement).
DLLR	09.12.45.01, .02, .04	Farm Labor Contractor Registration	Certain Farm Labor Contractor regulations state what is already covered in other laws, namely that employers are required to maintain wage records, the procedures of hearing, and accompanying definitions.	Repeal certain sections of the regulation which are duplicative of the statute.	Repealing these sections will reduce the number of regulations.
DLLR	09.12.61	Prohibiting Smoking on Elevators	These regulations prohibit smoking on elevators	Repeal the entire title.	State and local laws already prohibit smoking indoors. So this regulation is duplicative.
MDA	15.02.01/§2-401	Board of Review	Establishes proceedings for hearing appeals of any person aggrieved from any decision or action of the Secretary.	Repeal	Would provide relief to businesses by eliminating the time consuming and expensive process of exhausting all administrative remedies prior to being able to go to court for judicial review.
MDA	15.07.02	Varroa Mite Control for Bees Transported into or Through MD	Prevents the spread of Varroa mites, a pest of honeybees, into MD	Repeal	Regulations are obsolete
MDA	15.11.08	Eradication of Hog Cholera	Governs activities pertaining to the eradication of hog cholera in swine.	Repeal	Regulations are obsolete
MDA	15.11.10	Eradication of Sheep Scabies in MD	Scabies (Psoroptic mange) in sheep is considered a foreign animal disease.	Repeal	Regulations are obsolete
MDA	15.13.01	Marketing of the MD Tobacco Crop	Establishes goals and conditions governing sale of tobacco.	Repeal	Regulations are obsolete
MDA	15.13.02	Daily Sales Quotas	Determines daily sales quotas to prevent a disorderly market.	Repeal	Regulations are obsolete
MDA	15.13.03	Civil Penalty Standards for Licensees	Establishes standard penalties for licensees who violate rules or regulations governing the sale of leaf tobacco at auction.	Repeal	Regulations are obsolete
MDA	15.20.09	State Income Tax Credit for Additional Commercial Fertilizer Costs	Establishes eligibility requirements for a person operating an agricultural operation to claim an income tax credit for additional fertilizer costs due to conversion to a phosphorous based plan.	Repeal	Regulations are obsolete
MVA	11.12.01.19 11.15.25.01	Elimination of Certificate of Origin requirement for trailer manufacturers	Currently, all vehicle manufacturers are required by regulation to provide uniform COs for the vehicles they manufacturer. In the past, MVA has been contacted by a small Maryland trailer manufacturer who was having difficulty with providing conforming COs.	Change regulations defining a "Certificate of Origin" (CO) as defined in TR-13-101 to make it easier for small trailer manufacturers in Maryland to sell and title their trailers. (Repeal COMAR 11.12.01.19 and incorporate changes into 11.15.25.01)	This regulation change would permit small trailer manufacturers to use alternative forms for the CO and will make it easier on the manufacturer and their customers to title the trailer.
MDP	34.04.02	MHT Loan Program	Provides low interest loans to assist with rehabilitation or acquisition of historic properties or with refinancing of loans on historic properties.	Eliminate the provision that requires business entities and individuals to provide evidence that they have sought as much financing as feasible through the private sector.	More entities would be eligible to take advantage of the program.
Office of the State Fire Marshal	29.06.03	Approval of Testing Laboratories	Establishes procedures for the approval and listing of laboratories allowed to perform certain test procedures.	Repeal	Removes unnecessary and out dated requirements.
Public Service Commission	20.45.02.01	Location of Records	Requires public utilities to keep all records within the State.	Repeal to eliminate the need to house all records within the state. This requirement is routinely waived for competitive carriers.	Reduce cost of doing business and streamline application process for non-incumbent carriers.

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Public Service Commission	20.45.02.03(B), (C), (E), (F)	Data to be filed with the Commission	Requires the filing of Exchange Maps, Construction Programs, Annual and Quarterly Reports, Improved Measurement Reports and Service Records and Reports.	Repeal. These reports are routinely waived for non-incumbent carriers.	Reduce cost of doing business and streamline application process for non-incumbent carriers.
Public Service Commission	20.45.04.11	Directories	Requires that telephone directories be published once yearly.	Repeal. This regulation has been superseded by Public Utilities Article Section 8-206 which eliminates the annual delivery of telephone directories unless specifically requested by the customer	Makes COMAR consistent with existent statute.
Public Service Commission	20.45.05.03(C)	Customer Contact Objectives	Specifies the 95% of calls to the utility's business office be answered within 20 seconds.	Repeal. The largest telephone utility in the State received a waiver of this requirement in the Commission's 2/2/2010 Order in Case No. 9133.	Eliminates unnecessary and outdated requirement.
Public Service Commission	20.45.07.02	Planning Data and Measurement	Requires the completion and delivery of a Construction Program View to the Commission every 3 years.	Repeal. These rules are routinely waived for non-incumbent carriers because they do not provide useful information to the Commission.	Eliminates unnecessary and outdated requirement.
Public Service Commission	20.45.07.03	Planning	Specifies schedule for the filing of the Construction Program View.	Repeal. These rules are routinely waived for non-incumbent carriers because they do not provide useful information to the Commission.	Eliminates unnecessary and outdated requirement.
Public Service Commission	20.55.03.02(E)	Information to be filed	Requires gas companies to file system maps annually or notify annually that the map on file is current.	Revise to eliminate annual notification in the event that map on file is current.	Eliminates unnecessary filings without depriving Commission of essential information.
Public Service Commission	20.70.03.04(D)	Information to be filed with Commission	Requires jurisdictional water utilities to file system maps annually or notify annually that the map on file is current.	Revise to eliminate annual notification in the event that map on file is current.	Eliminates unnecessary filings without depriving Commission of essential information.
Public Service Commission	20.61.03.02(A)(3)	REC Creation from Renewable On-Site Generation	Requires an authorized representative of a renewable on-site generator to file a renewable on-site generator report with the Commission within 1 week of each recording with GATS.	Revise to exempt Solar Photovoltaic and OG300 Water Heating Systems from the obligation to file renewable on-site generator reports with the Commission.	Reports from Solar Photovoltaic and OG Water Heating systems provide no useful information to the Commission since the Commission has already provided an estimate of the energy production from such systems to GATS through its issuance of the certificate.
Public Service Commission	20.61.03.02(B)	REC Creation from Renewable On-Site Generation	Specifies information content of the report developed by the Commission for use by a renewable on-site generator to file a renewable on-site generator.	Revise to exempt Solar Photovoltaic and OG300 Water Heating Systems from the obligation to file renewable on-site generator report with the Commission.	Reports from Solar Photovoltaic and OG 300 Water Heating systems provide no useful information to the Commission since the Commission has already provided an estimate of the energy production from such systems to GATS through its issuance of the certificate.
Maryland Insurance Administration	31.10.18.06B(5)	Health Insurance - General Denial of Coverage Based on Medical Necessity	Sets forth the reporting requirements a carrier must follow regarding its internal grievance process.	COMAR 31.10.18B(5) requires a carrier to file an annual report regarding its internal grievance process. Section 15-10A-02(e)(2) of the Insurance Article now only requires carriers to file a report when changes are made to the internal grievance process.	Reduces burden and cost of reporting requirements for the carrier and coincides with the State's green initiatives.